



## MEMORANDUM

**TO: Planning Commission**  
**FROM: Stacy Clauson, Contract Planner**  
**DATE: August 22, 2012**  
**RE: UGB Expansion/Comprehensive Plan Amendments Adoption**

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**\*\*\* PLEASE BRING COPIES OF THE STAFF REPORT AND EXHIBITS THAT WERE PROVIDED TO YOU FOR THE AUGUST 16<sup>TH</sup> PLANNING COMMISSION MEETING\*\*\***

### ISSUE STATEMENT

The Planning Commission is meeting to discuss proposed amendments to the City's Comprehensive Plan, Zoning Code, and expansion of the City's Urban Growth Boundary. Under the provisions of JCMC 17.150.070.A.4, the Planning Commission may submit recommendations and findings regarding the proposal to the City Council. These recommendations and findings may include alterations from the original proposal or application. If the commission determines that the proposed change should not be recommended for approval by the council, as originally proposed or as modified by the commission, the commission may, but need not, submit the proposal to the city council. The council may enact, amend, or defeat all or portions of the proposal or may refer the matter back to the commission for further consideration.

### BACKGROUND

In July 2008 the City received grant funds from Department of Land Conservation and Development to fund a customized periodic review project to update the City's Comprehensive Plan. The project was scheduled to be completed in 2 phases.

Phase I was completed on February 17, 2010, with DLCD acknowledgement of the Comprehensive Plan amendments which included the following tasks:

1. Economic Opportunities Analysis (EOA). Identification of likely industrial and other economic development opportunities and corresponding employment land needs over the planning period of the next 20 years. (Note: This document was partially approved, with the commercial lands evaluation to be completed in Phase II).
2. Urbanization Study. Evaluation of the existing UGB for its capacity to provide land for needed housing and employment for the next 20 years, add capacity through reasonable measures, and complete a UGB need and locational analysis. (Note: This document was partially approved, with the residential and commercial lands evaluation to be completed in Phase II).

3. Adopted Comprehensive Plan and Zoning Ordinance Amendments. Comprehensive Plan and Zoning Ordinance amendments to implement the EOA and urbanization study, supported by findings showing criteria compliance.

Phase II has been underway since June, 2010. Phase II includes the remaining components of the Customized Periodic Review Work Program that has been approved by DLCD, as follows:

1. Completion of Economic Opportunities Analysis to address commercial lands.
2. Local Wetlands Inventory. Preparation of a functional assessment of wetlands and riparian areas within the UGB and wetlands and riparian areas outside the UGB likely to be included in a study area for UGB and UR designation. Designate significant wetlands as required by statewide land-use planning Goal 5 and other rules.
3. Residential Buildable Lands Inventory and Land Need Analysis. Evaluation of the existing residential land supply within the Junction City Urban Growth Boundary to determine if it is adequate to meet the future 20-year need.
4. Completion of the Urbanization Study to include the residential and commercial land need.
5. Adopted Comprehensive Plan and Zoning Ordinance Amendments needed to complete these items.

On August 16, 2012, the Planning Commission held a public hearing on the Phase II components. In preparation for the public hearing, staff had prepared a Staff Report and Accompanying Exhibits that contained a detailed description of the proposal and detailed analysis of the proposal's consistency with applicable criteria. Please bring this information to the August 29, 2012 meeting. At the August 16, 2012 meeting, the oral testimony was closed, and the written comment period was held open until August 24, 2012 at 9:00 am. Attachment 1 contains a copy of all of the written comments submitted during the public hearing process, together with additional written copies submitted after the hearing until August 24, 2012 at 9:00 am.

## **ISSUE ANALYSIS**

The public comments raised a number of issues with respect to several components of the City's proposal. Given the testimony that has been submitted, staff is recommending that, at minimum, changes be made to the Findings Document to address some substantive issues that have been raised. The document, containing proposed revisions, is attached here and is proposed to replace Exhibit A of the Staff Report that was previously provided to you. The proposed changes, to this point, respond to issues raised about the City's Economic Opportunities Analysis, Urban Growth Boundary Alternative Analysis, and Goal 11 Findings addressing Public Facilities.

Staff is seeking Planning Commission direction on whether comments that have been raised necessitate additional changes either to the proposed amendments or to the findings. In particular, staff is seeking Planning Commission direction on the following issues:

1. Amending the submittal. The proposal includes components needed to satisfy the remaining components of the City's Work Plan under the Periodic Review Process. As was done for Phase I, the submittals do not need to happen at one time. The Planning Commission options would be:

- a. Move forward with all components; or
- b. Recommend that the City hold off on one or more components at this time.

*Staff Analysis: Staff has concerns with this approach. The components are interdependent, relying on aspects of each other to provide a complete analysis of consistency with the State regulations. For instance, in order to complete the Residential Buildable Lands Inventory, the City needs to identify wetlands, determine their significance, and determine whether they will be locally protected or not. In turn, the EOA relies upon the Residential analysis, etc.*

2. Local Wetland Inventory. Numerous concerns have been raised about the Local Wetland Inventory and whether some features, particularly the channels that run through the City, should be considered wetlands. Oregon Department of State Lands (DSL) staff has agreed to attend the Planning Commission's meeting to answer questions about the inventory process and results. The inventory is a key component to other aspects of the City's Goal 5 analysis, so understanding of the issues will be key. DSL is the approving authority for a local wetland inventory, and has issued approval for the City of Junction's Local Wetland Inventory. The regulations do specify an amendment process that the City could follow if it has substantive concerns about the wetland inventory (see ORS 141-086-0230). The Planning Commission options would be:
  - a. Move forward with the findings from the Local Wetlands Inventory completed by Winterbrook Planning; or
  - b. Recommend that the City reinvestigate this analysis. This would require hiring a qualified professional to address the materials required for a revision under ORS 141-086-0230.

*Staff Analysis: It is estimated (very rough at this time) that a re-evaluation of the wetlands may require \$10,000-15,000 or more and might take an additional 6-8 months to complete<sup>a</sup>. Unless the Planning Commission recommends addressing wetlands in a supplement phase (see Item 1 above), this would delay consideration of the City's residential and commercial land needs, and delay the completion of periodic review. Staff has asked DSL whether there are any other options available to the City and we hope to be able to answer this question at the next meeting. It is not known whether additional information could be provided to modify the determinations that have made to this point. If the determinations on any areas changes, then the results of the LWI will need to be reviewed to see how these would change the buildable lands inventory for the residential analysis.*

3. Locally Significant Wetlands. Under the provisions of 660-023-0030(5), the City is required to adopt a list of locally significant wetlands as a part of the comprehensive plan or as a land use regulation. As established in OAR 141-086-0340, the DSL- approved Local Wetlands Inventory (OAR 141-086-0110 through 141-086-0240) covering the plan area, together with a function and quality assessment of all inventoried wetlands using the Oregon Freshwater Wetland Assessment Methodology (OFWAM; Oregon Division of State Lands, 1996) is used to make this evaluation. Winterbrook Planning, in consultation with the Department of State Lands, has completed this draft evaluation, which is contained as part of the Local Wetland Inventory in Attachment 3 to

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<sup>a</sup> The original LWI had an estimated budget of \$25,000 and timeline of April 2008 – December 2009. It is anticipated that a re-evaluation of some targeted sites would be less costly and take less time.

Exhibit A of the Staff Report (please see your earlier package materials). Please note that the determination of which wetlands are locally significant is important, because it determines which wetlands the City needs to consider under a local wetland protection program. The Planning Commission options would be:

- a. Adopt the list of Locally Significant Wetlands as recommended in the report completed by Winterbrook Planning; or
- b. Recommend that the City reinvestigate this analysis. This would require hiring a qualified professional to evaluate the wetlands for consistency with the criteria for locally significant wetlands.

*Staff Analysis: Reassessment of the locally significant wetlands may be able to be accomplished more quickly and with less additional contract costs. It is not known whether additional information could be provided to modify the determinations that have made to this point. If changes were made, the City would not need to consider protection of any wetlands not considered locally significant, but the features may still be considered jurisdictional wetlands subject to permit requirements by DSL. Please note that DSL would still need to be consulted about the analysis using the Oregon Freshwater Wetland Assessment Methodology. If the determinations on any areas changes, then the results of the identification of locally significant wetlands will need to be reviewed to see how these would change the buildable lands inventory for the residential analysis.*

4. Local wetland protection program. The proposal contains several different components that make up the local protection program, including the ESEE Analysis, comprehensive plan provisions addressing goals and policies affecting wetlands, and proposed regulations. The Planning Commission can propose modifications to these provisions. If modifications are desired, the Planning Commission would need to direct revisions to each of these components to ensure that there are consistent with each other. In considering this issue, remember that there are 3 levels of protection and that the City must address the State criteria (OAR 660-023-0040(5)) in making its selection of how to locally protect the wetlands, summarized as follows:

Full Protection	<ul style="list-style-type: none"><li>• Consequences of allowing the conflicting uses are so detrimental to the wetland that the conflicting uses should be prohibited.</li></ul>
Partial Protection	<ul style="list-style-type: none"><li>• Conflicting uses and wetland functions are important compared to each other and, so the conflicting uses should be allowed in a limited way that protects the resource to a desired extent.</li></ul>
No Local Protection	<ul style="list-style-type: none"><li>• Conflicting use is of greater importance relative to the wetland and measures to protect the wetland to some extent should not be provided.</li></ul>

The proposal contemplates partial protection for many of the identified locally significant wetlands. The Planning Commission options would be:

- a. Adopt the comprehensive plan provisions and land use regulations to implement the protection decisions made pursuant to OAR 660-023-0040(5); or
- b. Recommend changes be made to the protection status of the wetlands, considering the

criteria under OAR 660-023-0040(5). Some specific changes that the Planning Commission could consider in response to public comment include:

- i. Removal of the WRD Overlay from the west and south property lines of the Oaklea site.
- ii. Removal of the WRD Overlay from properties in which the wetland's primary benefit is hydrological control (flood control) and who have or would be required under the City's existing Public Works Development Standards to have a drainage easement that would provide for continuing drainage control. This would primarily involve the properties located along the channels in the City. OR
- iii. Revise the WRD Overlay in the area of the channels to reduce the width of the overlay to better coincide with the top of the existing bank of the channel.
- iv. Others as directed by the Planning Commission.

*Staff Analysis: Options to change the proposed protections would necessitate revisions to the Zoning and Comprehensive Plan Maps, together with the Comprehensive Plan text and policies and ESEE Analysis. In making the revisions, it is important that the Planning Commission address the criteria in OAR 660-023-0040(5) so that this information can be included in the findings to submit to DLCD for consideration. Please note there is potentially greater risk that DLCD will not concur with the City's findings the more the City determine that wetlands are not appropriate for local protection. Close scrutiny and documentation of your analysis under the provisions of OAR 660-023-0040(5) is recommended. Depending on the scope of changes, this may take staff a week or more to make the recommended changes.*

5. Regulations. The Planning Commission could also make changes to the wetland regulations, though the issues raised by the public generally speak to issues related to the other options above.

## **RELATED CITY POLICIES**

JCMC Chapters 17.145 and 17.150 regarding Comprehensive Plan and zoning amendments, and the process governing such Type IV amendments.

## **PLANNING COMMISSION OPTIONS on REQUESTED ACTION**

1. The options are listed above. All the options, other than proceeding with the adoption of the Winterbrook recommendations, involve additional time and expense. Several of them make DLCD approval less certain, and may also result in a decrease in the number of acres needed to meet the City's projected twenty year residential and commercial property needs.

## **PLANNING COMMISSION SUGGESTED MOTION**

1. I make a motion to recommend approval of the amendments to the Comprehensive Plan and Zoning Ordinance as presented in Exhibit A (as amended in August 2012), and its accompanying Attachments.

2. I make a motion to recommend approval of the amendments to the Comprehensive Plan and Zoning Ordinance as presented in Exhibit A (as amended in August 2012), and its accompanying Attachments, with the following revisions:

a. \_\_\_\_\_ [State recommended revisions]

3. I make a motion to not recommend approval of the amendments to the Comprehensive Plan and Zoning Ordinance as presented in Exhibit A (as amended in August 2012), and its accompanying Attachments.

*If Motion 3 is adopted, it is recommended that the Planning Commission move to have staff study the existing zoning ordinance and Comprehensive Plan and a) return with another proposal for their consideration or b) not bring the matter back before the Commission.*

#### **ATTACHMENTS**

1. Written comments submitted at the August 16, 2012 hearing and through August 24, 2012
2. Revised Findings Document (replaces Exhibit A of the Staff Report)
3. OAR 660-023-0040(5)